

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAPYRUS TECHNOLOGY CORP.,

Plaintiff,

v.

NEW YORK STOCK EXCHANGE, LLC,

Defendant.

Before: Judge Judith M. Barzilay*
No. 04 CV 00625

ORDER APPOINTING TECHNICAL ADVISOR

At a conference call held March 4, 2009 this court and counsel discussed the appointment of a technical advisor. Counsel had previously provided the court with the names and resumes of three potential experts. The court has interviewed the two candidates resident in the state of New York and has chosen Dr. Clifford Stein to act as its technical advisor. Dr. Clifford Stein has read and signed the attached Scope and Limits of Appointment as a Technical Advisor. The court is satisfied that his appointment will adequately safeguard the judicial process.

IT IS THEREFORE ORDERED that Dr. Clifford Stein, Professor of Industrial Engineering and Operations Research at Columbia University, 500 West 120th Street, New York, NY 10027, is appointed as a technical advisor to the court. Fees of the technical advisor shall be taxed, as they are incurred, equally against the parties as costs of court;

* The Honorable Judith M. Barzilay, Judge, United States Court of International Trade, sitting by designation.

ORDERED that the parties shall deliver to Dr. Stein – if they have not done so already – copies of (a) Patent No. 5,774,877 and Patent No. 5,797,0002, (b) the court's September 11, 2008 Memorandum and Order, *see Papyrus Technology Corp. v. New York Stock Exchange, Inc.*, 581 F. Supp. 2d 502 (S.D.N.Y. 2008), (c) the parties' moving briefs and supporting documentation in their respective motions for summary judgment, (d) the parties' respective expert reports;

ORDERED that following the second deposition of Dr. Lee A. Hollaar, parties shall deliver to Dr. Stein copies of the deposition transcript as well as the supplemental rebuttal reports of Dr. David J. Goodman and Dr. Maureen O'Hara; and it is further

ORDERED that parties shall deliver copies to Dr. Stein of their respective Response Briefs and Reply Briefs on the date these submissions are filed by the parties, as per the amended Scheduling Order.

Dated: April 6, 2009
New York, NY

Judith M. Barzilay
Judith M. Barzilay, Judge